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EXAMINER	
LEE, CHUN KUAN	

ART UNIT	PAPER NUMBER
2181	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/747,675	BROWN ET AL.	
	Examiner	Art Unit	
	Chun-Kuan Lee	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,7,8,18-20,30,36-59 and 63-68* is/are pending in the application.

4a) Of the above claim(s) *64-67* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7,8,18-20,30,36-59,63 and 68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

RESPONSE TO ARGUMENTS

1. Applicant's arguments with respect to claims 1-3, 5, 7-8, 18-20, 30, 36-59, 63 and 68 have been considered but are moot in view of the new ground(s) of rejection. Rejection of claims 2, 8 and 20 under 35 U.S.C. 112 second paragraph is withdrawn. Currently, claims 4, 6, 9-17, 21-29, 31-35 and 60-62 are canceled, claims 64-67 are withdrawn, and claims 1-3, 5, 7-8, 18-20, 30, 36-59, 63 and 68-70 are pending for examination.

2. In response to applicant's arguments (on page 21-22) with regard to the new independent claim 63 rejected under 35 U.S.C. 103(a) that the combination of references does not teach/suggest the claimed features associated with the license restriction; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because as also cited by the applicant, the data (e.g. music or video) accessed by the user are copyright materials as the amount of copyright royalties are accessed, wherein it is well known in the art that licensing restrictions are applied when the user is accessing copyright materials, so that access to the copyright materials can properly be granted to the user and at the same time charge the user for such usage. Just to further support and demonstrate the above well known association between licensing restriction and accessing of copyright material,

please see Berstis' (US Patent 6,282,653) teaching, the Abstract and Column 5, lines 51-63. In summary, Monteiro does teach/suggest the claimed features associated with licensing restriction, because the data accessed by the user are copyright material, wherein the utilization of licensing restriction for properly granting access (i.e. licensing) the copyright material to the user is well known. Additionally, Monteiro does teach/suggest licensing restriction corresponding to the acquiring of the "security token," as the acquiring of the security token provide the license restriction for the user to access the data, as without acquiring the security token, the user will not be allowed to access the copyright material (Monteiro, col. 3, ll. 47-61 and col. 13, l. 32 to col. 14, l. 33).

I. ELECTION/RESTRICTIONS

3. Newly submitted claims 64-67 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Specie I: Claims 1-3, 5, 7-8, 18-20, 30, 36-59, 63 and 68 are directed to accessing to electronic media with an event definition and event transition.

Specie II: Claim 64 is directed to accessing to electronic media having licensing restriction associated with an artist.

Specie III: Claim 65 is directed to accessing to electronic media having licensing restriction associated with an album.

Specie IV: Claim 66 is directed to accessing to electronic media having licensing restriction associated with limiting the number of time the electronic media is accessed.

Specie V: Claim 67 is directed to accessing to electronic media having licensing restriction associated with a description of the electronic media.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 19, 63 and 68 are generic.

Upon the allowance of the generic claims, applicant will be entitled to consideration of Species II-V which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 64-37, belonging to Species II-V are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

I. REJECTIONS BASED ON 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-20 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 19, in lines 1-3, it is not fully clear to the examiner as to what extend "tangible computer-readable medium" encompass, as the Specification seems to lack the use of such specific terminology.

As per claim 19, in line 30, it is not fully clear how "a first detecting code segment" is related to the previously recited first detecting code segment; the examiner will assume the claimed limitation of "a second detecting code segment …" for the current examination.

As per claims 20 and 30, it is not fully clear exactly what the applicant is claiming, because in the independent claim 19 to which the dependent claims 20 and XXX dependent upon, the independent claim 19 is claiming "a tangible computer-readable medium", but the dependent claims 20 and 30 are claiming "a system".

II. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro et al. (US Patent 6,119,163) in view of Coker (US Pub.: 2003/0074418).

Monteiro teaches a method of enabling access to electronic media, the method comprising:

accessing, by a client (Fig. 1, ref. 40), a first track of electronic media from a source (Fig. 1, ref. 10, 20, 30, 50, 60) (Fig. 1; Fig. 8B; col. 2, ll. 10-35 and col. 14, l. 34 to col. 15, l. 33);

accessing, by the client after access of the first track of electronic media, a rule set, the rule set being configured to respond to an arising condition (e.g. acquiring of the security token or condition comprising deterioration of the situation associated with packet loss and network congestion) based on whether the arising condition is met (Fig. 1; col. 3, ll. 47-61; col. 7, ll. 21-30 and col. 13, l. 32 to col. 14, l. 33), the rule set including:

an event definition describing a licensing restriction (e.g. licensing restriction associated with the security token) to be monitored during access to electronic media (col. 3, ll. 47-61 and col. 13, l. 32 to col. 14, l. 33);

a event transition that enables a second track of electronic media that complies with the licensing restriction to be access upon detection of the licensing restriction (col. 3, ll. 47-61 and col. 13, l. 32 to col. 14, l. 33), as the subsequent second track of electronic media is accessed while maintaining the security token;

detecting an occurrence of the license restriction (col. 3, ll. 47-61 and col. 13, l. 32 to col. 14, l. 33), detecting the proper acquisition of the security token and able to access the copyright material as the licensing is granted;

accessing in response to detection of the occurrence of the licensing restriction, the second track of electronic media that complies with the licensing restriction (col. 3, ll. 47-61 and col. 13, l. 32 to col. 14, l. 33).

Monteiro does not expressly teach the method comprising the client detecting an event condition and accessing in response to the event condition.

Coker teaches a system and a method comprising a client detecting an event condition (e.g. network disconnect/connect) and accessing data in response to the event condition (Fig. 17; Fig. 20; [0191]-[0192] and [0194]-[0197]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Coker's detecting of failure and accessing of local data into Monteiro's client for the benefit of implementing a more robust network environment as the client is able to adapt and reconfigure base on the network connection (Coker, Fig. 20 and [0013]) to obtain the invention as specified in claim 63.

6. Claims 1-3, 5, 7-8, 18-20, 30, 36-41, 43, 45-46, 48-53, 55, 57-58 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro et al. (US Patent 6,119,163) in view of Coker (US Pub.: 2003/0074418) and Huang et al. (US Pub.: 2003/0198184).

7. As per claims 1, 19 and 68, Monteiro teaches a method, a system and a tangible computer-readable medium having embodied thereon a computer program configured to enabling access to electronic media, the method, the system, the computer program comprising a processor configured to execute:

an access code segment structured and arranged to enable accessing, by a client (Fig. 1, ref. 40), a first track of electronic media from a source (Fig. 1, ref. 10, 20, 30, 50, 60) (Fig. 1; Fig. 8B; col. 2, ll. 10-35 and col. 14, l. 34 to col. 15, l. 33);

a first rule set code segment structured and arranged to enable accessing, by the client, after access of the first track of electronic media, a first rule set, the rule set being configured to respond to an arising condition (e.g. condition comprising deterioration of the situation associated with packet loss and network congestion) based on whether the arising condition is met (Fig. 1 and col. 7, ll. 21-30, as the client is able to request the transferring of data at a different bitrate due to the arising condition, the client would need to have knowledge of the corresponding rule set in order to make the request), the first rule set including:

an event definition describing an event condition/network failure (e.g. condition comprising deterioration of the situation associated with packet loss and network congestion) to be monitored during access to electronic media (col. 7, ll. 21-30), wherein the event condition comprising deterioration of the situation associated with packet loss and network congestion, and failures are monitored while transferring of data packets;

a first rule set event transition that enables a new media state to be realized upon detection of the event condition/network failure (col. 7, ll. 21-30), wherein the new media state is the transferring of the data packets at a new bitrate when increase in packet loss and network congestion is detected;

a first detecting code segment structured and arranged to enable detecting a first occurrence of the event condition/network failure (col. 7, ll. 21-30);

an first event transition code segment structured and arranged to enable accessing the electronic media in the new media state in response to detecting the occurrence of the event condition/network failure (col. 7, ll. 21-30);

monitoring and detecting the network failure/event condition (col. 7, ll. 21-30 and col. 16, ll. 46-59); and

accessing electronic media locally stored at the client (col. 8, ll. 16-30).

Monteiro does not expressly teach the method, the system and the computer program comprising the client detecting the network failure has occurred and accessing locally store data at the client in response to detecting the occurrence of the network failure; and … a second rule set (code segment) … .

Coker teaches a system and a method comprising a client detecting a network failure has occurred and accessing locally store data (e.g. operate in local mode) at the client in response to detecting the occurrence of the network failure (Fig. 17; Fig. 20; [0191]-[0192] and [0194]-[0197]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Coker's detecting of failure and accessing of local data into Monteiro's client for the benefit of implementing a more robust network environment as the client is able to adapt and reconfigure base on the network connection (Coker, Fig. 20 and [0013]) to obtain the invention as specified in claims 1, 19 and 68.

Monteiro and Coker do not expressly teach the method, the system and the computer program … a second rule set (code segment) … .

Huang teaches a system and a method comprising:

a second rule set code segment structured and arranged to enable accessing, by a client, in response to detection of a first occurrence of a network failure/event condition, a second rule set, the second rule set being configured to respond to the arising condition based on whether the arising condition is met (Fig. 5; [0007]-[0010] and [0031]-[0032]), in combination with Monteiro's above teaching corresponding to the first rule set and Coker's detection and accessing by the client, wherein the second rule set corresponds to operating at an even lower data rate as network congestion associated with pack loss continues to get worse, wherein such implementation is accomplished via dynamic data rate control, the second rule set including:

an event definition describing the network failure/event condition to be monitored during access to electronic media, the network failure being the same among the first rule set and the second rule set (Fig. 5; [0007]-[0010] and [0031]-[0032]), in combination with Monteiro's above teaching corresponding to the first rule set, wherein the first and

second rule set both corresponds to network congestion associated with packet loss, and

a second rule set event transition that enables a new media state (e.g. even lower data transferring rate then after the first rule set event transition) to be realized upon detection of the network failure/event condition, the second rule set event transition being different than the first rule set event transition (Fig. 5; [0007]-[0010] and [0031]-[0032]), in combination with Monteiro's above teaching corresponding to the first rule set, wherein the second rule set event transition corresponds to lowering the data rate even lower then subsequent to the first rule set event transition;

a second detecting code segment structured and arranged to detect, by the client, a second occurrence of the network failure/event condition, the second occurrence of the network failure/event condition occurring after the first occurrence of the network failure/event condition (Fig. 5; [0007]-[0010] and [0031]-[0032]), in combination with Monteiro's above teaching corresponding to the first rule set and Coker's detection and accessing by the client, the second detecting code segment corresponds to detecting the network congestion associated with pack loss continues to get worse; and

a second event transition code segment structured and arranged to perform, by the client and in response to the detection of the second occurrence of the network failure, the second rule set event transition (Fig. 5; [0007]-[0010] and [0031]-[0032]), in combination with Monteiro's above teaching corresponding to the first rule set and Coker's detection and accessing by the client, as the data rate is transferring at an even

lower rate then after the second event transition as the network congestion associated pack loss continues to get worse.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Huang's dynamic data rate control into Monteiro and Coker's client for the benefit of optimizing the utilization of available network resources (Huang, [0007]) to obtain the invention as specified in claims 1, 19 and 68.

8. As per claim 2, Monteiro, Coker and Huang teach all the limitations of claim 1 as discussed above, where Monteiro further teaches the method comprising wherein accessing the first rule set includes downloading the first rule set from a host (Monteiro, Fig. 1; col. 7, ll. 21-30; col. 13, l. 32 to col. 14, l. 33 and col. 17, ll. 13-48), as client need to have knowledge of the rule set, it would then be necessary for the client to download the rule set in a similar manner as the client software.

9. As per claim 3, Monteiro, Coker and Huang teach all the limitations of claim 2 as discussed above, where Monteiro further teaches the method comprising invoking a media player (e.g. client software including Real Audio Player) before downloading the first rule set (Monteiro, page 2; Fig. 18; col. 13, l. 32 to col. 14, l. 33 and col. 17, l. 13 to col. 18, l. 30).

10. As per claim 5, Monteiro, Coker and Huang teach all the limitations of claim 1 as discussed above, where Monteiro and Coker further teach the method comprising

wherein accessing the electronic media locally stored at the client includes accessing a second track of electronic media (Monteiro, col. 2, ll. 10-35 and col. 14, l. 34 to col. 15, l. 33 and Coker, Fig. 20), as after accessing the first track the network gets disconnected, and the subsequent second track would then be access locally.

11. As per claim 7, Monteiro, Coker and Huang teach all the limitations of claim 1 as discussed above, where Monteiro further teaches the method comprising wherein accessing the first track of electronic media includes referencing a location for the electronic media (Monteiro, program guide (upper right corner) of Fig. 18), wherein accessing the first track comprising playing "Smashing Pumpkins Live!" include referencing a location for the electronic media comprising "From La Cigale in Paris".

12. As per claims 8 and 20, Monteiro, Coker and Huang teach all the limitations of claims 3 and 19 as discussed above, where Monteiro further teaches the method and the medium comprising wherein accessing the first rule set with the event definition includes accessing a code segment describing a media player event for a media player (e.g. client software including Real Audio Player) that is configured to access the first rule set (e.g. rule set associated with security token) prior to processing the first track of electronic media (Monteiro, page 2; Fig. 18; col. 13, l. 32 to col. 14, l. 33 and col. 17, l. 13 to col. 18, l. 30).

13. As per claims 18 and 30, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro, Coker and Huang further teach the method and the medium comprising wherein at least one of detecting the first occurrence of the network failure (first detecting code segment) and detecting the second occurrence of the network failure (second detecting code segment) includes (receiving code segment) receiving state information from a communications interface (Monteiro, col. 16, ll. 46-59; Coker, [194]-[197] and Huang, Fig. 5; [0007]-[0010]; [0031]-[0032]).

14. As per claims 36 and 48, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro, Coker and Huang further teach the method and the medium comprising wherein the network failure is a temporary network failure (Monteiro, col. 7, ll. 21-30; col. 16, ll. 46-59; Coker, [0196]-[0197] and Huang, Fig. 5; [0007]-[0010]; [0031]-[0032]).

15. As per claims 37 and 49, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro, Coker and Huang further teach the method and the medium comprising wherein the network failure is an interruption in the ability of the client to access the network (Monteiro, col. 7, ll. 21-30; col. 16, ll. 46-59; Coker, [0196]-[0197] and Huang, Fig. 5; [0007]-[0010]; [0031]-[0032]).

16. As per claims 38 and 50, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro, Coker and Huang further teach the method and the medium comprising wherein the network failure is a network disconnection (Monteiro, col. 7, ll. 21-30; col. 16, ll. 46-59; Coker, [0196]-[0197] and Huang, Fig. 5; [0007]-[0010]; [0031]-[0032]).

17. As per claims 39 and 51, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro further teaches the method and the medium comprising wherein at least one of the first rule set and the second rule set is personalized to at least one user (Monteiro, Abstract; col. 6, ll. 57-61 and col. 13, l. 32 to col. 14, l. 33), personalized through registration of the user.

18. As per claims 40 and 52, Monteiro, Coker and Huang teach all the limitations of claims 39 and 51 as discussed above, where Monteiro further teaches the method and the medium comprising wherein at least one of the first rule set and the second rule set is personalized to the at least one user at the source (Monteiro, Abstract; col. 6, ll. 57-61 and col. 13, l. 32 to col. 14, l. 33).

19. As per claims 41 and 53, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro, Coker and Huang further teach the method and the medium comprising wherein at least one of the first rule set and the second rule set further includes a second event definition describing an underrun

condition (e.g. underrun condition resulted from packet loss or network congestion) and a second event transition that enables the new media state to be realized upon detection of the underrun condition by accessing an instantiation of the first track of electronic media encoded at a different bit rate, the method further comprising: at least one of the first detecting code segment and the second detecting code segment is structured and arranged to detect, by (at) the client, that the underrun condition has occurred; and at least one of the first event transition code segment and second event transition code segment is structured and arranged to access, by (at) the client, the first track of electronic media encoded at a different bit rate in response to detecting the occurrence of the underrun condition (Monteiro, col. 7, ll. 21-30; Coker, [0191]-[0192]; [0194]-[0197] and Huang, Fig. 5; [0007]-[0010]; [0031]-[0032]).

20. As per claims 43 and 55, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro and Coker further teach the method and the medium comprising wherein at least one of the first rule set and the second rule set further includes a second event definition describing a licensing restriction and a second event transition that enables the new media state to be realized upon detection of the licensing restriction, the method further comprising: at least one of the first detecting code segment and the second detecting code segment is structured and arranged to detect, by (at) the client, that the licensing restriction (e.g. licensing restriction associated with the security token) has occurred; and at least one of the first event transition code segment and second event transition code segment is structured

and arranged to access, by (at) the client, a second track of electronic media that complies with the licensing restriction in response to detecting the occurrence of the licensing restriction (Monteiro, col. 3, ll. 47-61; col. 13, l. 32 to col. 14, l. 33 and Coker, [0191]-[0192]; [0194]-[0197]).

21. As per claims 45 and 57, Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro and Coker further teach the method and the medium comprising wherein at least one of the first rule set and the second rule set further includes a second event definition describing a type of the electronic media and a second event transition that enables the new media state to be realized upon detection of the type of the electronic media (e.g. advertisement type), the method further comprising: at least one of the first detecting code segment and the second detecting code segment is structured and arranged to detect, by (at) the client, the type of the electronic media; and at least one of the first event transition code segment and second event transition code segment is structured and arranged to perform, by (at) the client, visualization of the electronic media in response to detecting the type of the electronic media (Monteiro, col. 7, l. 51 to col. 8, l. 30 and Coker, [0191]-[0192]; [0194]-[0197]).

22. As per claims 46 and 58, Monteiro, Coker and Huang teach all the limitations of claims 45 and 57 as discussed above, where Monteiro further teaches the method and

the medium comprising wherein the type of the electronic media is one of audio, video, or data electronic media (Monteiro, col. 2, ll. 10-35 and col. 7, l. 51 to col. 8, l. 30).

23. As per claim 69, Monteiro, Coker and Huang teach all the limitations of claim 1 as discussed above, where Monteiro, Coker and Huang further teach the method comprising:

wherein: the second rule set event transition that enables a new media state to be realized upon detection of the network failure includes the second rule set event transition that instructs the client to disconnect from the content source associated with the network failure (Monteiro, col. 2, ll. 10-35; col. 14, l. 34 to col. 15, l. 33; Coker, Fig. 17; Fig. 20; [0191]-[0192]; [0194]-[0197] and Huang, [0007]-[0010]; [0031]-[0032]), and.

performing, by the client and in response to the detection of the second occurrence of the network failure, the second rule set event transition includes disconnecting, by the client and in response to the detection of the second occurrence of the network failure, from the content source associated with the second occurrence of the network failure (Monteiro, col. 2, ll. 10-35; col. 14, l. 34 to col. 15, l. 33; Coker, Fig. 17; Fig. 20; [0191]-[0192]; [0194]-[0197] and Huang, [0007]-[0010]; [0031]-[0032]).

24. As per claim 70, Monteiro, Coker and Huang teach all the limitations of claim 1 as discussed above, where Monteiro, Coker and Huang further teach the method further comprising: determining, in response to accessing the second rule set and before detection of the second occurrence of the network failure, that the second rule set

should be utilized by the client instead of the first rule set (Monteiro, col. 2, ll. 10-35; col. 14, l. 34 to col. 15, l. 33; Coker, Fig. 17; Fig. 20; [0191]-[0192]; [0194]-[0197] and Huang, [0007]-[0010]; [0031]-[0032]).

25. Claims 42, 44, 47, 54, 56 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro et al. (US Patent 6,119,163) in view of Coker (US Pub.: 2003/0074418) as applied to claims 1 and 19 as discussed above, and further in view of Marks et al. (US Pub.: 2001/0053944).

Monteiro, Coker and Huang teach all the limitations of claims 1 and 19 as discussed above, where Monteiro and Coker further teach the method and the system comprising wherein at least one of the first rule set and the second rule set further includes a second event definition and a second event transition that enables the new media state to be realized upon availability of the prioritized media selection, the method further comprising: at least one of the first detecting code segment and the second detecting code segment is structured and arranged to detect, by the client, the second event definition that is now available; and at least one of the first event transition code segment and second event transition code segment is structured and arranged to process, by the client, the second event definition accordingly (Monteiro, col. 2, ll. 10-35; col. 7, l. 21 to col. 8, l. 30; col. 13, l. 32 to col. 14, l. 33; col. 17, ll. 13-48 and Coker, [0191]-[0192]; [0194]-[0197]).

Monteiro, Coker and Huang do not teach the method and the system comprising:

detecting event definition describing an availability of a prioritized media selection that is now available …;

detecting event definition describing an emergency broadcast …; and

detecting event definition describing a particular class of content or a theme … .

Marks teaches a system and a method comprising:

detecting event definition describing an availability of a prioritized media selection that is now available and notifying a user of the availability of the prioritized media selection in response to detecting that the prioritized media selection is now available ([0096]);

detecting event definition describing an emergency broadcast (e.g. urgent) and accessing the emergency broadcast in response to detecting that the emergency broadcast is available ([0096]); and

detecting event definition describing a particular class of content or a theme and performing the second event transition in response to detecting the particular class of content or the theme ([0096]-[0097] and [0103]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Marks' number of different event definitions into Monteiro, Coker and Huang's system and method for the benefit of expanding the settings preferences available to the user's player and increase the different types programming provided by the server (Marks, [0014]-[0018] and [0039]) to obtain the invention as specified in claims 42, 44, 47, 54, 56 and 59.

III. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-3, 5, 7-8, 18-20, 30, 36-59, 63 and 68-70 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

IMPORTANT NOTE

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.K.L./

November 10, 2008

Chun-Kuan (Mike) Lee
Examiner
Art Unit 2181

/Alford W. Kindred/

Supervisory Patent Examiner, Art Unit 2181